

05-04-06

IFW

173)

ATTORNEY DOCKET NO. 129843.1022  
Customer No. 60148

1

TRANSMITTAL LETTER  
Serial No. 09/970,389



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail Certificate Under 37 C.F.R. § 1.10  
"EXPRESS MAIL" MAILING LABEL NUMBER: EL 994538475 US  
DATE OF DEPOSIT: May 3, 2006

I, Anne Ziegler, hereby certify that this paper (along with any papers and fees referred to as being attached or enclosed or actually enclosed) is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above, with sufficient postage, and is addressed as follows:

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Anne Ziegler*

Signature of person mailing paper

In re Application of: Donald J. Merkley et al.

Serial No.: 09/970,389

Filing Date: October 2, 2001

Group Art Unit: 1731

Examiner: Mark Halpern

For: Method and Apparatus for Reducing  
Impurities in Cellulose Fibers for  
Manufacture of Fiber Reinforced  
Cement Composite Materials

---

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF AMENDMENT AND RESPONSE**  
**TO OFFICE ACTION MAILED February 3, 2006**

ATTORNEY DOCKET NO. 129843.1022  
Customer No. 60148

2

TRANSMITTAL LETTER  
Serial No. 09/970,389

Dear Sir:

Enclosed are:

- a postcard acknowledgment of receipt of papers by the Patent Office;
- this Transmittal Sheet (3 pgs.);
- Amendment and Response to Office Action Mailed February 3, 2006 (12 pgs.);

Please return the acknowledgment postcard.

					LARGE ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	24	Minus	67	0	\$50=	\$0
Independent Claims	4	Minus	6	0	\$200=	\$0
					TOTAL ADDITIONAL FEE	\$0

ATTORNEY DOCKET NO. 129843.1022  
Customer No. 60148

3

TRANSMITTAL LETTER  
Serial No. 09/970,389

No fees are believed to be due at this time. To the extent that any further fees, whatsoever, are required at any time during prosecution of this application, including petition and extension fees, the Commissioner is hereby authorized to charge payment of any additional fees, including any under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP (Dallas) and reference Attorney Docket No. 129843.1022. Please credit any overpayments to this same Deposit Account.

**Please direct all correspondence to the practitioner listed below at Customer No. 60148.**

Respectfully submitted,

*Monique A. Vander Molen*  
Monique A. Vander Molen  
Reg. No. 53,716  
Gardere Wynne Sewell LLP  
Thanksgiving Tower  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201-4761  
Telephone: 214.999.3000  
Facsimile: 214.999.3623  
Email: [ip@gardere.com](mailto:ip@gardere.com)

ATTORNEY/AGENT FOR APPLICANT  
May 3, 2006

O I P E Attorney No. HARD1.015A (129843-1022)  
Customer No. 60148

AMENDMENT AND RESPONSE  
APPLICATION NO. 09/970,389

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail Certificate Under 37 C.F.R. §1.10

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 994538475 US  
DATE OF DEPOSIT: May 3, 2006

I hereby certify that this paper (along with any papers and fees referred to as being attached or enclosed or actually enclosed) is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above, with sufficient postage, and is addressed as follows:

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

*Anne Bieger*

Signature of person mailing paper

In re Application of: Donald J. Merkley et al.

Application No.: 09/970,389

Filing Date: October 2, 2001

Group Art Unit: 1731

Examiner: Mark Halpern

For: Method and Apparatus for Reducing  
Impurities in Cellulose Fibers for  
Manufacture of Fiber Reinforced Cement  
Composite Materials

---

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO  
OFFICE ACTION MAILED February 3, 2006**

Dear Sir:

The Office Action mailed February 3, 2006, established a three-month shortened statutory time period to respond.

Applicants submit this Amendment and Response and respectfully requests entry of the amendment set forth herein and consideration of the remarks provided with this paper as provided in:

**Amendments to the Claims** begin on page 3;

**Remarks** begin on page 14;

**Conclusion** begins on page 18 of this paper, and

**Appendix** at the end of this response providing one reference.